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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BRENDAN DUNN,

11 Plaintiff,

12 v.

13 CITY OF SEATTLE, et al.,

14 Defendants.

CASE NO. C18-0257JLR

ORDER DENYING MOTION
FOR RECONSIDERATION

15 Before the court is Plaintiff Brendan Dunn's motion for reconsideration of the
16 court's order granting in part and denying in part the parties' second stipulated motion to
17 amend the case schedule. (MFR (Dkt. # 35); *see also* Stip. Mot. (Dkt. # 30); 7/19/19
18 Order (Dkt. # 31).) Pursuant to the Local Civil Rule 7(h)(1), "[m]otions for
19 reconsideration are disfavored," and the court "will ordinarily deny such motions" unless
20 there is a showing of (a) manifest error in the prior ruling, or (b) new facts or legal
21 authority which could not have been brought to its attention earlier with reasonable

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1 diligence.” Local Rules W.D. Wash. LCR 7(h)(1). Because Mr. Dunn fails to make
2 either showing, the court DENIES his motion for reconsideration.

3 This action was filed on February 19, 2018, almost 18 months ago. (*See* Compl.
4 (Dkt. # 1).) Multiple extensions of pretrial deadlines have been granted. (*See* 5/18/18
5 Order (Dkt. # 9); 6/4/18 Order (Dkt. # 13); 12/18/18 Order (Dkt. # 23); 5/28/19 Order
6 (Dkt. # 26).) In the most recent motion for extensions, the parties asked the court to
7 extend the deadlines for Defendant City of Seattle’s (“the City”) expert testimony
8 disclosure, motions related to discovery, discovery completion, dispositive motions, and
9 the date by which to hold a settlement conference. (*See* Stip. Mot. at 2.) The court
10 adjusted the City’s expert testimony deadline and the discovery motions deadline.
11 (7/19/19 Order at 1-2.) The remaining deadlines were not adjusted as they are essential
12 to preserving the December 2, 2019, trial date. (*See* Sched. Order. (Dkt. # 20) at 1.)

13 To further explain: the court issues scheduling orders to provide a reasonable
14 timeline for the resolution of disputes. The court generally sets the discovery cut-off 30
15 days prior to the deadline for filing dispositive motions to ensure that the court has a
16 complete record when considering a motion that could resolve the case. In addition, the
17 schedule generally provides 90 days between the deadline for filing dispositive motions
18 and the trial date. This 90-day period takes into account: (a) an approximate 30-day lag
19 between the date a party files a motion and the date that motion becomes ripe for the
20 court’s consideration, *see* Local Rules W.D. Wash. LCR 7(d)(3); and (b) an additional 30
21 days during which the court endeavors to rule on the motion, *id.* LCR 7(b)(5). Anything
22 short of a 90-day period leaves inadequate time for the parties to consider the court’s

1 ruling and plan for trial or an alternate resolution. In the event parties are unable to meet
2 these deadlines, any request to continue a trial typically results in a trial being
3 rescheduled at the end of the court's current trial calendar. The parties' proposed
4 deadline extensions, other than the ones the court granted, contravene these rules. (*See*
5 *Stip. Mot. at 2.*)

6 From other cases that Mr. Dunn's counsel has filed, the court is familiar with
7 counsel's (and his family's) multi-year medical issues that he relates and expounds upon
8 in the motion for reconsideration. *See, e.g., Young v. Pena*, No. C18-1007JLR (W.D.
9 Wash.); (*see generally* MFR.) Although counsel describes new medical problems that
10 arose starting June 26, 2019 (*see* MFR at 2), it is clear from the prior motions that the
11 parties required an extension due to significant outstanding discovery (*see* Valera Decl.
12 (Dkt. # 27-1) ¶ 3, Ex. B). For example, on June 22, 2019, counsel for the City reached
13 out to Mr. Dunn's counsel to schedule Mr. Dunn's deposition and noted the upcoming
14 August 5, 2019, discovery deadline. (*See id.* at 3.) In response, on June 24, 2019, Mr.
15 Dunn's counsel said that Mr. Dunn would not be available "until late August" and
16 requested "a 60 day extension of the discovery cut-off." (*Id.* at 2.) All of this occurred
17 before counsel's new medical problems that he cites as the basis for requiring the
18 extensions. As the court noted in its August 8, 2018, case schedule, "failure to complete
19 discovery within the time allowed is not recognized" as a basis for extending case
20 deadlines. (*Sched. Order. at 2.*)

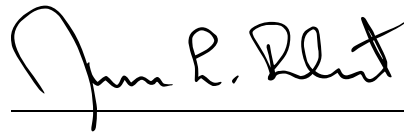
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1 The court is not being mean-spirited, unsympathetic, or arbitrary in denying the
2 motion. Rather, the court expects all counsel to diligently represent their clients by
3 preparing cases for trial or arranging other representation.

4 For the foregoing reasons, the court DENIES Mr. Dunn's motion for
5 reconsideration.

6 Dated this 31st day of July, 2019.

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9 JAMES L. ROBART
10 United States District Judge
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